

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,884	09/18/2001	Brian John Cragun	ROC920010069US1	8260

7590 08/26/2004

Gero G. McClellan
Moser, Patterson & Sheridan, L.L.P.
Suite 1500
3040 Post Oak Boulevard
Houston, TX 77056-6582

EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,884

Applicant(s)

CRAGUN ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2171

DETAILED ACTION

DETAILED ACTION

Claim Status: 1- 28, and 30-40 are rejected. Claim 29 canceled.

Applicant's arguments with respect to claims 1, 10, 18, 26,28, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10, 18, 26,28, and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Wical US Patent No. 5,953,718 in view of Ripley US Patent No. 6,742,001.

1. Regarding Claims 1, 10, 18, 26,28, and 35, Wical discloses a method for searching electronic documents, comprising:

finding one or more candidate documents based on the search expression (see column 4, lines 56-66, Wical);

calculating a score for each candidate document according to the one or more weight criteria (see column 6, lines 4-21, Wical); and

Art Unit: 2171

preparing a list of the one or more candidate documents reflecting the calculated scores (see column 6, lines 32-42, Wical);

receiving a search expression including one or more search terms having one or more weight criteria (see column 5, lines 19-32, Wical). Wical fails to teach the step of designating the score modifier to the user. However, Ripley teaches the step of one or more weight criteria include a user designated score modifier (see Fig. 8A, column 11, lines 33-67, Ripley). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Ripley in Wical which allows the user to set the threshold they prefer to work with and the motivation to do so would be as disclosed by Ripley column 6, lines 50-55.

2. Regarding Claims 2, 11, 19, and 30, the combination of Wical in view of Ripley discloses a method further comprising:
sorting the one or more candidate documents according to the calculate scores (see column 7, lines 53-32, Wical).

3. Regarding Claims 3, 12, 20, and 31, the combination of Wical in view of Ripley discloses a method further comprising:
presenting a subscore for each search term having a weight criterion (see column 9, lines 8-20, Wical¹).

4. Regarding Claims 4, 13, 21, 32, and 40, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria are selected from a location of the

¹ Examiner interprets the step of generating new set corresponds to subset, since both based on criteria calculation.

Art Unit: 2171

one or more search terms, a format of the one or more search terms, and a frequency count of the one or more search terms (see column 11, 16-23, Wical²).

5. Regarding Claim 5, 14, 33, and 39, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that the one or more search terms are located in a section selected from a header section, a caption section, an abstract section, a footnote section, a summary section, and a title section (see column 8, lines 20-30, Wical).

6. Regarding Claims 6, 7, 15, 16, 22, 23, 27, 28, 36, and 37, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that the one or more search terms have a different format than a common format of a paragraph containing the one or more search terms (see Fig. 10, 735, column 21, lines 23-37, Wical).

7. Regarding Claims 8, 17, and 34, the combination of Wical in view of Ripley discloses a method wherein the one or more weight criteria require that a search term be present in the candidate document at least a minimum number of times (see column 22, lines 46-57, Wical).

8. Regarding Claim 9, the combination of Wical in view of Ripley discloses a method further comprising: sorting the one or more candidate documents according to weight criteria (see column 8, lines 1-7, Wical).

9. Regarding Claim 24, the combination of Wical in view of Ripley discloses a system further comprising a database containing one or more candidate documents (see Fig. 1, 100, Wical).

² Examiner interprets the number of times corresponds to frequency.

10. Regarding Claim 25, the combination of Wical in view of Ripley discloses a system further comprising a network connection with a client computer from which the search expression is received (see column 4, lines 47-53, Wical).

11. Regarding Claim 38, the combination of Wical in view of Ripley discloses a method wherein the formatting attributes include a location of the one or more search terms within -the candidate document (see column 22, lines 23-27, Wical).

Other Prior Art Made of Record

1. Wical (US Patent No. 5,953,718) discloses a research mode for a knowledge base search and retrieval system.
2. Durand et al. (US Patent No. 6,272,467) discloses system for data collection and matching compatible profiles.
3. Ponte (US Patent No. 6,353,825) discloses a method and a device for classification using iterative information retrieval techniques.

Art Unit: 2171

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

"PROPOSED" or "DRAFT". Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
August 23, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100